

REMARKS

Claims 1-23 stand rejected in the Office Action dated December 23, 2008 as being anticipated under 35 USC 102(e) by US Patent No. 6,850,226 to Finke-Anlauff ("Finke-Anlauff"). Alternatively, claims 1-23 stand rejected as obvious over Finke-Anlauff. Claim 24 is also apparently rejected under Finke-Anlauff (See Office Action at 11) and claim 25 is rejected as obvious over Finke-Anlauff in view of Published Application US 2002/0052193. In response, Applicant has amended the claims as follows: independent claims 1, 8 and 15 were amended to clarify their scope; independent claim 24 has been made dependent on independent claim 1, as amended; claim 25 is canceled; and new dependent claims 26 and 27 (both dependent on independent claim 1) have been added. Applicant respectfully submits that the foregoing amendments place the application in condition for allowance for the reasons below.

The amendments to independent claims 1, 8 and 15 clarify a distinguishing feature of those claims. To understand this feature, reference is made to arrows "h" or "k" in Fig. 11 of Applicant's pending application that describe respectively an email operation and a memorandum operation. As explained in Applicant's published application, "in the case where the selecting screen 76 in E-mail function shown in FIG. 9 is displayed on the display screen 12 in the closed state and the making a new mail item is 'selected' by the vertical operation of the three way lever key 44, and the first housing 32 and the second housing 34 are opened as shown by arrow 'h' in FIG. 11, the state detecting means 63 detects this operation and the screen displays the making a new mail screen." US 2004/0257334 at [0070]. The published application similarly describes arrow "k" as follows: "in the case where the selecting screen 78 in the memorandum book function shown in FIG. 10 is displayed on the display screen 12 in the closed state and the making a memorandum item is 'selected' by the vertical operation of the three way

lever key 44, and the first housing 32 and the second housing 34 are opened as shown by an arrow 'k' in FIG. 11, the state detecting means 64 detects this operation and the screen displays the making a memorandum screen.” In other words, a screen for making either a new email or memorandum is displayed in response to a state change from the closed state to the opened state. Claims 1, 8 and 15 now clarify such an exemplary operation by reciting “wherein in a state where an item is selected from the plurality of items on the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into displaying a screen image corresponding to the selected item from the item selecting screen.”

Prior to this amendment, claim 8, for example, recited “wherein in response to the selection of an item from a plurality of items, and a state change from the closed state to the opened state, the control section controls said display section to change into displaying a screen image corresponding to the selected item.” In finding this element in Finke-Anlauff, the Examiner asserts that “since the movement of the cursor key is used to select the software application in use which is also accessed by the application key 8, the computer processor inside the portable unit account for both the display position and the current application selected allowing the portable unit to function properly select the specific item and setting the correct display orientation for the user according to the display position and the application selected.” Office Action at 6. However, it is apparent from the Examiner’s comments, that the Examiner’s emphasis is on the change in orientation. Nothing in Finke-Anlauff suggest the claimed invention. Indeed, the portions of Finke-Anlauff relied by the Examiner in supporting the rejection disclose that application control, as compared to orientation control, is performed by the user. For example, Finke-Anlauff provides “A selection of menus are available to allow the

user to select and operate the applications provided, such as the video camera 11, calendar data 26, contact data 27, and Internet browser 28. The functions are all controlled by hard keys which have a common function in all the applications and soft keys which may have different functions depending on the application software.” Finke-Anlauff at Col. 4, lines 24-31.

Admittedly, Finke-Anlauff describes display rotation according to the software application in use, and that a screen orientation is triggered by extending the display panel (col. 4, lines 30-47). However, that is different from Applicant’s claimed invention. To that end, Applicant has amended claims 1, 8 and 15, as described above, to clarify that the claimed invention changes a display to a screen image corresponding to the selected image from **the item selecting screen** in response to a state change from closed state to the opened state, as described above. That is vastly different from the change in screen orientation described in Finke-Anlauff and indeed is contrary to the teaching of Finke-Anlauff that teaches the use of hard keys and soft keys to control the applications, not the change in state from the closed state to the opened state.

Claim 24 has been amended to depend from amended claim 1 and has also been amended to include the limitation of canceled claim 25. Claim 24 is therefore allowable for the same reasons that claim 1 is allowable. This claim is for more clarifying that a screen in the opened state and a screen in the closed state are different from each other. Moreover, according to the configuration of amended claim 24, operability improves since a user can recognize that the state change into the opened state is necessary from the display of the display section. This feature is not shown or suggested in any of the cited prior art.

Applicant has also added two new dependent claims that are dependent on amended claim 1. New dependent claim 26 recites that in response to the state change from the closed state to the opened state, the controls section controls the display section from displaying

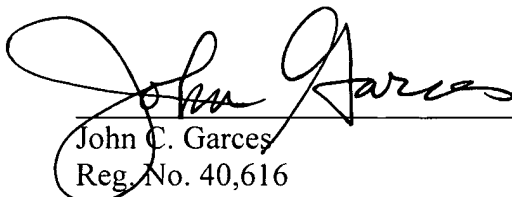
an upper layer screen in the closed state into a lower layer screen. New dependent claim 27 recites that the control section starts (activate) a function corresponding to the selected item in response to the state change from the closed state to the opened state, to display the screen image corresponding to the selected item. Neither of these newly claimed features is disclosed or suggested in the prior art.

For the foregoing reasons, each of independent claims 1, 8 and 15 are allowable over Finke-Anlauff. For the same reasons, each of the claims dependent on each of those independent claims is also allowable. Thus, claims 1-24, 26 and 27 are patentable over Finke-Anlauff.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0061.

Respectfully submitted,

Date: March 23, 2009
New York, New York



John C. Garces
Reg. No. 40,616

Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022